

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

ILIO'ULAOKALANI COALITION,  
a Hawaii, nonprofit corporation;  
NA IMI PONO, a Hawaii  
unincorporated association; and  
KIPUKA, a Hawaii unincorporated  
association,  
  
Plaintiffs,  
  
v.  
  
DONALD H. RUMSFELD, Secretary of  
United States Department of  
Defense; and LES BROWNLEE, Acting  
Secretary of the United States  
Department of the Army,  
  
Defendants.

I, Dr. Laurie Lucking, hereby declare that:

1. I am the Cultural Resources Manager for the 25th Infantry Division (Light) and U.S. Army, Hawaii, Schofield Barracks, Oahu, Hawaii. I have served in this position since 14 September 1995. I received my PhD in 1984 from the University of Minnesota. I have 33 years of experience as an anthropologist/archeologist, including 32 years of working with and studying Pacific cultures, and have been employed by the U.S. government in that role since 1988. I am responsible for overseeing compliance with cultural resource obligations pertaining to the transformation of the 2nd Brigade 25<sup>th</sup> Infantry Division ("2/25") to a Stryker Brigade Combat Team ("SBCT").
2. This declaration supplements my declaration filed with the U.S. Ninth Circuit Court of Appeals as part of the United States Opposition to the plaintiffs' Emergency Motion for Interim injunctive Relief which is attached as Attachment one.

3. The Army chose to prepare a Programmatic Agreement (PA) to meet its obligations under Section 106 of the National Historic Preservation Act of 1966 ("NHPA") regarding the transformation of 2/25. A PA may be used when effects on historic properties cannot be fully determined prior to approval of an undertaking. Under the PA, consultation continues throughout the process to ensure the protection of historic and cultural properties.

4. It is my understanding that the Army has six construction projects that are absolutely essential to training and transforming the 2<sup>nd</sup> Brigade, 25<sup>th</sup> ID ("2/25") to a SBCT in time to achieve its planned deployment availability date of November 2007. These projects are: the Tactical Vehicle Wash Facility, the SBCT Motor Pool Complex, the Multiple Deployment Facility, Qualifying Training Range One, and the Urban Assault Course, as well as modifying Range 11 at Pohakuloa Training Area. All of these sites have been surveyed for the presence of cultural resources and no indications of extant cultural resources and/or historic properties were found in the construction footprint. Cultural monitors were involved during the construction phase of the first five of these projects (the Range 11T modification project has not started yet but monitoring will occur). The cultural monitors did not identify any new cultural sites at the first five projects. Construction footprints are significant as they are the areas where ground intrusive actions would take place, which is why they were surveyed. At all but QTR 1 and Range 11T, the training and operations that occur at these projects take place within the facility itself, making harm to cultural sites virtually impossible. At QTR 1 and Range 11T, the firing takes place in one location and the targets obviously are in another



location. The firing positions and target areas have been surveyed as well as the target lanes, unless unsafe to do so.

5. The Urban Assault Course ("UAC") is more than 50% complete. It is being constructed over the location of the facility it is replacing, the Military Operations in Urban Terrain Facility. Attachments 2-8 show the current status of construction. While it is true that the SEIS indicated there was the potential for destruction, damage, or access restriction related to the construction of the UAC and QTF 1, such fears were not realized at either site. As noted, the areas were surveyed and no cultural sites have been found in the construction foot print of either range; nor were cultural sites found via monitoring during construction.

6. Construction on the SBCT Motor Pool is also more than half way complete. It is being built on land that, until purchased by the Army, was used for commercial agriculture. This is probably why no cultural sites were found in the construction foot print of this Motor Pool. Nor have any sites been found by the cultural or archeological monitors during construction. Attachments 9-10 show the current status of construction. When this facility is complete, vehicle and maintenance operations will occur within the paved portions of the facility. It is highly unlikely that any cultural sites will be impacted by the construction and operation of the SBCT Motor Pool.

7. The Tactical Vehicle Wash Facility ("TVWF") is complete and in use. It was built in an old World War II warehouse area. Attachments 11-14 show the completed facility. Cultural monitors were invited to inspect this project prior to construction and declined to examine the area. No cultural sites were found in the construction foot print during survey. Cultural and archaeological monitoring was done on an "on call" basis

due to the lack of historic properties on the construction footprint. Operation of the TVWF takes place totally within the construction footprint of the facility. Therefore, no cultural sites will be impacted by operation of the TVWF.

8. The Multiple Deployment Facility ("MDF") is more than 50% complete. It is being built at Wheeler Army Airfield at the site of the current deployment facility, an old World War II runway. As with the other sites, no historic properties were found in the construction footprint during surveys or construction. Attachments 15-19 show the current status of construction. The MDF is more than 200 yards from the cultural site known as Mauna'una, which consists of a series of stone terraces located on top of a bluff (see attachments 20-22. NOTE: On attachment 20, the outline of the Aviation Motorpool depicted next to the MDF is a potential site for a non-SBCT, future year project. The small "Estimated MDF" construction area depicted north of Airdrome Road has been deleted from the current project). Thus, Mauna'una will not be impacted by MDF construction or use. The bluff this site is situated on, however, is suffering from natural erosion that has been occurring for over a decade (see attachment 23). We are currently stockpiling soil from the MDF to stabilize the eroding slope. Section 106 consultation with Native Hawaiians and others will be undertaken on the stabilization plan before the project commences.

9. Construction of the Qualifying Training Range One ("QTR 1") is complete and the range is in use. Attachments 23-27 show the completed facility. QTR 1 was built over an existing range which was already heavily disturbed. No historic properties or cultural sites were found in its construction footprint during surveys or during cultural monitoring. One site, Site 210, which appears to be a group of five historic graves (see



attachments 28-30), was found in the line of sight of one of the proposed targets for the QTR 1. The target was moved so Site 210 is no longer in the line of sight. In addition, Site 210 has been marked as a no fire zone, and limiting stakes are placed at the firing positions so weapons cannot fire in the site's direction. The GPS coordinates for Site 210 are also fed into the Stryker weapons systems computers as additional precaution to avoid the site when firing from stationary Stryker vehicles on the range. There are some areas within the Surface Danger Zone of the QTR 1 that have not been surveyed. A surface danger zone is the zone which encompasses both the firing lanes for the targets and all the potential areas ordnance may land if it misses the target. These areas have not been completely surveyed because of the presence of unexploded ordnance. The bulk of the un-surveyed areas are heavily vegetated gulches. Because the weapons used at QTR 1 are direct fire weapons (line-of-sight), cultural sites in the gulches are unlikely to be affected. The ordnance used at QTR 1 and at the UAC is non-explosive and non-inflammable practice rounds. The 40 mm training ordnance cannot pierce steel, and, in fact are designed to dispense marking chalk when they hit the target. None of this practice training ordnance has ever been found on Site 210 since QTR 1 has been operational. One high explosive round, left over from the 1980's, was discovered at Site 210. The operation of QTR 1 will in no way affect Hale'au'au Heiau.

10. Range 11T is an existing rocket and helicopter gunship range that is being modified for the Stryker Mobile Gun System ("MGS"). Range 11T used to be a tank gunnery range where 105 mm tank training rounds were fired (see attachment 31). The MGS will also fire non-explosive, 105mm training rounds. Range 11T has been surveyed for cultural resources. The layout of the range was changed and the surface

danger zones were shifted to avoid areas with known archaeological sites. I have determined that there will be no adverse effects to cultural resources with the use of Range 11T as a range for the MGS with these changes.

11. A number of issues regarding the identification and treatment of cultural sites within the Battle Area Complex ("BAX") have been raised in the various declarations by Ms. Quitevis. I believe I address these in my original declaration, to include correcting the misimpression of damage to the Hale'au'au Heiau associated with the BAX UXO clearance. I note, however, that the Army has not begun construction on the BAX and it is not one of the six critical projects that the Army needs to transform the 2<sup>nd</sup> Brigade on schedule. Similarly, there have been a number of allegations regarding violations of the Programmatic Agreement (PA) associated with work at the BAX. As I explain in my original declaration, measures taken by the Army due to the presence of unexploded ordnance and contracting issues were viewed by certain cultural monitors as interference in their duties under the PA. We will work to have a better dialogue with the cultural monitors and the primary contractors to avoid these misunderstandings in the future. There also have been some objections to the use of data recovery as a mitigation measure. The Programmatic Agreement, which the Office of Hawaiian Affairs, the Advisory Council on Historic Preservation, and the Hawaii State Historic Preservation Officer have all signed on to, contains a series of measures the Army may take regarding mitigation of adverse effects to cultural sites, and the Army has scrupulously complied with these measures. Avoidance of all historic properties during design and construction is the chief mitigation called out in the PA. We have in fact designed and/or re-designed all projects, to include the BAX, to avoid cultural sites once identified even where this has delayed

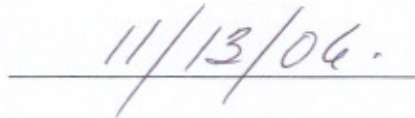


projects and/or added to the cost of the project. Thus, we have not engaged in data recovery at any SBCT projects and certainly will not have to for the 6 projects described in detail above.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

A handwritten signature in cursive script, reading "Laurie Lucking PhD", written over a horizontal line.

DR. LAURIE LUCKING

A handwritten date "11/13/06" written in cursive script over a horizontal line.

DATE